

**From:** Charles Martin  
**To:** Microsoft ATR  
**Date:** 1/26/02 2:36am  
**Subject:** Microsoft Settlement

To Whom It May Concern:

I understand you have been bombarded by emails and letters during the public comment period, so I will keep this brief for the benefit of those having to read all those comments.

#### Point One

Microsoft as a corporation has broken the law repeatedly, even when ordered to stop doing so. They will seemingly use any tactic short of felony murder to maintain their anti-competitive monopoly. This does NOT benefit consumers, it harms them in exactly the same way the US economy would be harmed if GM suddenly made it impossible for any other car maker to work with standard parts. The proposed settlement does little or nothing to PUNISH Microsoft for previous bad acts and bad faith, and in doing so REWARDS the company for this behaviour and thereby guarantees further such lawbreaking, deception and anti-competitive practices.

I suggest that a very, very large fine -- in the billions of dollars -- is the only remedy coercive enough to actually foster a behavioural change in the "corporate culture" of Microsoft. Much of the money from this fine should be used to redress wrongs done to MS competitors including AOL/Time Warner, Apple Computer and many PC hardware manufacturers and hundreds of smaller former companies who were bullied right out of the market. The rest of the money should be used to fund efforts to encourage the development of alternate, specialised OSes (for example, an ultra-secure OS for government servers). The precedent for this is already present in the government's own settlement with the tobacco companies.

#### Point Two

Microsoft has harmed consumers in myriad ways, but they have also harmed -- in a considerable way -- the security of the United States government, and the US economy through their admitted lapses in security and their drive to become sole-supplier and controller of all microcomputer operating systems and infrastructure. Billions upon billions have been lost in real revenue and productivity thanks to viruses based on weaknesses in Microsoft code. Top secret material and other sensitive data by the truckload has been stolen and criminal behaviour facilitated by security blunders and loopholes deliberately built into Microsoft's OS for either marketing purposes or to enhance the convenience of possible future Microsoft plans for intrusive monitoring. The right to privacy, once the centerpiece of our democracy and the original cornerstone of the Internet, is now

but a dim memory that is rapidly eroding thanks to our deep dependence on buggy, vulnerable software and a company who's interests are often in conflict with the best interests of the United States. If a foreign company were doing this to us, we'd likely have charged them with treason via sabotage by now.

At the very very least, the government and its contractors should punish Microsoft by doing a thorough audit of government computer usage and replace Windows systems with alternatives wherever possible for at least a period of five years.

#### Point Three

Microsoft's continued flouting of the law and fair business practices, combined with their documented (by MS itself) threats to competitors by high-level executives in the company (up to and including Chairman William H. Gates III) pose a danger to both society and capitalism itself. Despite it's propaganda efforts, Microsoft is in fact the \*least\* innovative software manufacturer on the scene and actively crushes innovation it cannot control or buy. The proposed settlement offers no incentive for Microsoft to cease this behaviour, and in fact reaffirms their monopoly and reinforces their right to bully competitors and squash innovation.

My suggestion would be to set vigorous, firmly-enforced limits on Microsoft's ability to interfere with competitors in any arena, and the best way in my honest opinion to do this would be to inflict jail time and other "real punishments" on the top executives of the company, up to and including Bill Gates. A clear message must be sent to both Microsoft \*and\* future companies that would emulate them, and jail time for white-collar executives would definitely send the right message. The MS executives can share a cell with the Enron executives if you prefer, that's up to you. :)

But it is long past time that Corporate Criminals got treated more like the real criminals they are -- they do REAL harm, they hurt REAL people and companies, and they should get REAL punishment. Otherwise, the widening gap between justice for the rich/powerful and justice for the poor/weak will widen into a yawning chasm, and to be blunt I expect that at some point we'll foster civil unrest and a further weakening of our democracy if we as a society continue down that path.

Sincerely,  
Charles Martin  
Maitland, Florida